

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of : Attorney Docket No. 2004_0608A
Yoshikazu HAYASHI :
Patent No. 7,853,971 :
Issued December 14, 2010 :
BROADCASTING SIGNAL RECEIVER :
APPARATUS PROVIDED WITH
CONTROLLER FOR CONTROLLING
DEMODULATION MODE, AND
APPARATUS FOR CONTROLLING
DEMODULATION MODE

REQUEST FOR RECONSIDERATION OF PATENT
TERM ADJUSTMENT UNDER 37 CFR 1.705(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.705(d), Patentee respectfully requests that the Patent Term Adjustment (“PTA”) for the above-identified patent be increased from 1,224 days, as indicated in the patent, to 1,253 days. The reason for this requested revision is as follows.

According to the Patent Term Adjustment History shown in PAIR, there is an Applicant delay of 55 days associated with the filing of a “Request for Acknowledgment of Claim for Foreign Priority and Receipt of Certified Copy of Priority Document” (hereafter “the Request”). It is noted that the Request was filed on October 21, 2010, and a response to the Request was mailed by the USPTO on November 15, 2010.

Taking the foregoing into account, Patentee notes that the time period under 37 CFR 1.704(c)(10) for calculating Applicant delay in connection with filing the Request should begin on October 21, 2010 (i.e., the date on which the Request was filed) and end on November 15, 2010 (i.e., the mailing date of the notice in response to the Request). In this regard, it is noted that the number of days from October 21, 2010 to November 15, 2010 is 26 days.

Thus, the filing of the Request on October 21, 2010 should have resulted in an Applicant delay of 26 days, not 55 days. Accordingly, because the difference between 55 days and 26 days is 29 days, Patentee believes that the Patent Term Adjustment should be increased as indicated above by 29 days (i.e., from 1,224 days, as indicated in the patent, to 1,253 days).

Patentee notes that the 55 days of Applicant delay according to the Patent Term Adjustment History as shown in PAIR appears to have been incorrectly calculated based on the time period between the date on which the Request was filed (i.e., October 21, 2010) and the issue date of the patent (i.e., December 14, 2010). According to 37 CFR 1.704(c)(10), however, the ending date of the time period for calculating the Applicant delay should not have been the issue date of the patent, but instead, should have been the date on which the USPTO mailed a response to the Request filed on October 21, 2010.

In view of the foregoing, Patentee requests that the patent term adjustment for the above-identified patent be increased from 1,224 days, as indicated in the patent, to 1,253 days. The total patent term adjustment of 1,253 days is a result of the non-overlapping USPTO delays (1,394 days) minus the revised Applicant delays (141 days).

It is noted that the above-identified patent is not subject to a Terminal Disclaimer.

Any questions regarding this matter should be directed to the undersigned at the telephone number listed below.

The statutory fee of \$200.00 set forth in 37 CFR § 1.18(e) is enclosed herewith.

Respectfully submitted,

Yoshikazu HAYASHI

/Kenneth W. Fields/

By 2011.02.14 16:26:03 -05'00'

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